

PATENT APPLICATION
Docket Number: CRD0461


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Hurtak, Mous, Nap
Serial Number:	09/424,440
PCT No.:	PCT/US98/10864
Int. Filing Date:	28 May 1988
Title:	Glass Core Guidewire Compatible With Magnetic Resonance Having Reinforcing Fibers
Group Art Unit:	5611
PCT Examiner:	Leonard E. Smith

**RENEWED PETITION
UNDER 37 CFR §1.47(a)**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Assistant Commissioner of Patents, PO Box 1450, Attn: PCT Legal Office, Alexandria, VA 22313-1450 on: 5-28-03

By:  Attorney for Applicants

Assistant Commissioner for Patents
Mail Stop PCT
Office of PCT Legal Administration
PO Box 1450
Alexandria, VA 22313-1450
Attn: PCT Legal Office

Sir:

In response to the Decision on Petitions Under 37 C.F.R. 1.181 and 37 C.F.R. 1.47(a) dated April 30, 2003 regarding the patent application identified above, please review and grant the following petition.

The Examiner objected that "a statement for Mr. de Tiege or someone else with first hand knowledge of the facts would be required." Attached is such a statement.

In this letter Mr. de Tiege states in part:

"I forwarded these documents (including the patent application identified above and the Declaration and Power of Attorney) to each of the co-inventors Hurtak, Mous, and Nap.

Regarding Mr. Nap in particular, he returned the documents (including the patent application identified above and the Declaration and Power of Attorney) to me unsigned, with a letter in Dutch, refusing to sign the document."

Accordingly, Applicants respectfully request status under 37 C.F.R. § 1.47(a), and the granting of Applicant's petition.

Respectfully submitted,
Attorney for Applicants

Date: May 28, 2003

By: 

Michael W. Montgomery
Reg. No. 35,958

Johnson & Johnson
Law Department
One Johnson & Johnson Plaza
New Brunswick, New Jersey 08933
(786) 313-2922

Cordis Corporation
14201 N.W. 60th Avenue
Miami Lakes, FL 33014
Phone (786) 313-2000
Fax (786) 313-2747

Mailing Address:
P.O. Box 025700
Miami, FL 33102-5700

From: Michel de Tiege

To: Leonard Smith
PCT Legal Examiner
U.S. Patent and Trademark Office

Subject: Application of HURTAK, Wenzel Franz, et al.
U.S. Application No.: 09/424,440
PCT No.: PCT/US98/10864
Inter. Filing Date: 28 May 1998
Priority Date: 06 June 1997
Attorney Docket No.: CRD0461
For: "Glass Core Guidewire Compatible With Magnetic
Resonance Having Reinforcing Fibers"

Attached is a letter addressed to me from Michael Montgomery dated August 30, 1999, which enclosed a copy of the patent application identified above and a Declaration and Power of Attorney. In response to this letter, I forwarded these documents (including the patent application identified above and the Declaration and Power of Attorney) to each of the co-inventors Hurtak, Mous, and Nap.

Regarding Mr. Nap in particular, he returned the documents (including the patent application identified above and the Declaration and Power of Attorney) to me unsigned, with a letter in Dutch, refusing to sign the document.


A copy of this letter is attached, as well as an English translation. I then forwarded the letter to Michael Montgomery.


Michel de Tiege

Dated: 12 May 2003

Memorandum

Cordis
a Johnson & Johnson company

Date: August 30, 1999
To: Michel de Tiege
From: Michael W. Montgomery 
Subject: Patent Cooperation Treaty Application
"Glass Core Guidewire Compatible With
Magnetic Resonance Having Reinforcing Fibers"
Your Ref: IR-274
Our Ref.: CRD0461-PCT
Inventors: Hurtak, Mous, Nap

Please have the inventors review the enclosed application, then sign and date the Declaration and Power of Attorney which will be submitted during the National processing phase of this application and return all documents to me at your earliest convenience.

Also, enclosed is the Assignment for filing with the PCT which requires the inventor's signature and date. Please have a Notary notarize this document with his statement and affix with the stamp of Apostille.

Enclosures

Zevenhuizen, 11 September 1999

Cordis Europa N.V.
att: M. De Tiège
Oosteinde 8
9300 AA Roden

Dear Michel,

Enclosed I return the documents you sent me to sign.

Considering the differences in procedures Cordis is using with respect to patent applications and the processing of the same, I decided not to satisfy your request to sign the document.

In my opinion it is not correct to distinguish between employees and ex-employees.

Sincerely yours,

Cees Nap
Oudestreek 10
9354AG Zevenhuizen

C.P.Nap
Oudestreek 10
9354AG Zevenhuizen.

Zevenhuizen 1999-09-11

t.a.v. : De Heer M. de Tiège

Cordis Europa N.V.
Oosteinde 8
9300 AA Roden

Beste Michel,

Hierbij de mij ter ondertekening gestuurde papieren retour.

Gezien de verschillen in afhandeling die Cordis m.b.t. patentaanvragen en de afwikkeling daarvan hanteert, heb ik besloten niet aan jouw verzoek tot ondertekening te voldoen.

Het is m.i. onjuist om in deze onderscheid te maken tussen werknemers en ex-werknemers.

Met vriendelijke groet,


Cees Nap

Fax Transmittal Note

Total Number of Pages: 13

To: Mike Neas	From: Michael Montgomery
Company: USPTO - PCT	Company: J & J
Phone: 703-308-0954	Phone: 786-313-2922
Fax: 703-305-2919	Fax: 786-313-2747

Johnson & Johnson
Office of General Counsel

Local Address:
Cordis Corporation
14201 NW 60th Avenue
Miami Lakes, Florida 33014
(305) 824-2000

March 04, 2003

Mr. Mike Neas
Special Program Examiner
United States Patent and Trademark Office
Washington, D. C. 20231

Re: Serial No. 09/424,440
Inter. Filing Date: 28 May 1998
Our Reference: CRD0461
"Glass Core Guidewire Compatible With
Magnetic Resonance Having Reinforcing Fibers"


Dear Mr. Neas,

We are resending our response to a Decision on Petition Under 37 CFR 1.47(a) dated 11 May 2000.

As requested, the following is a true copy of what was originally filed via Express mail on June 9, 2000. Also, the postcard returned back from the PTO date stamped Rec'd PCT/PTO.

If you require further documentation regarding this Renewed Petition, please do not hesitate to telephone me at 786-313-2922.

Best regards,


Michael Montgomery
Attorney for Applicants

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INTER APPL NO. PCT/US98/10864

SERIAL NO. 09/424, 440 DOCKET NO. CRD046 BY MWM
APPLICATION OF HURTAK, MOUS, NAF MAILED: 6-9-00
ENTITLED GLASSCORE GUIDEWIRE COMPATIBLE WITH
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| <input type="checkbox"/> LETTER | | <input type="checkbox"/> SPECIFICATION |
| <input type="checkbox"/> PCT FILING | | <input type="checkbox"/> CLAIMS |
| <input type="checkbox"/> IDS - FORM-1449 | | |

528 REC'D PCT/PTC 09 JUN 2000 W/ 3 ATTACHMENTS
RENEWED PETITION

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FROM: (PLEASE PRINT) _____

Michael W. Montgomery
Cordis Corporation
14201 NW 60th Avenue
Miami Lakes, Florida 33014

TO: (PLEASE PRINT) _____

Assistant Commissioner For Patents
Box PCT
Washington, D. C. 20231
Attn: PCT Legal Office

FROM: (PLEASE PRINT) _____

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PHONE _____

COPY TO J&J 6/13/00

DOCKETED

Label 11-B October 1995

INTER APOL NO. PCT/US98/10864

SERIAL NO. 09/424, 440 DOCKET NO. CRD046 BY MWM
APPLICATION OF HURTAK, MOVS, NAO MAILED: 6-9-00
ENTITLED GLASS CORE GUIDEWIRE COMPATIBLE WITH
MAGNETIC RESONANCE HAVING REINFORCING FIBERS
THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE
STAMPED HEREON:

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| <input type="checkbox"/> AFFIDAVIT | <input type="checkbox"/> DECLARATION | <input type="checkbox"/> EXTENSION OF TIME |
| <input type="checkbox"/> AMENDMENT | | <input type="checkbox"/> NOTICE OF APPEAL |
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| <input type="checkbox"/> BRIEF | | <input type="checkbox"/> POWER OF ATTORNEY |
| <input type="checkbox"/> CHARGE TO DEPOSIT ACCOUNT 10-0750 | | <input type="checkbox"/> PRELIMINARY STATEMENT |
| <input type="checkbox"/> DRAWINGS | | <input type="checkbox"/> PRIORITY DOCUMENT |
| <input type="checkbox"/> ISSUE FEE TRANSMITTAL | | <input type="checkbox"/> STATUS INQUIRY |
| <input type="checkbox"/> LETTER | | <input type="checkbox"/> SPECIFICATION <u> </u> PGS |
| <input type="checkbox"/> PCT FILING | | <input type="checkbox"/> CLAIMS |
| <input type="checkbox"/> IDS - FORM-1449 | | <input checked="" type="checkbox"/> <u>RENEWED PETITION</u> |

FORM 113788 REV. 7/96

W/3 ATTACHMENTS

PATENT APPLICATION
Docket Number: CRD0461

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Hurtak, Mous, Nap
Serial Number:	09/424,440
PCT No.:	PCT/US98/10864
Int. Filing Date:	28 May 1988
Title:	Glass Core Guidewire Compatible With Magnetic Resonance Having Reinforcing Fibers
Group Art Unit:	5611
PCT Examiner:	Leonard E. Smith

**RENEWED PETITION
UNDER 37 CFR §1.47(a)**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on: 6-9-00

By: , Attorney for Applicants

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231
Attn: PCT Legal Office

Sir:

In response to the Decision on Petition Under 37 C.F.R. 1.47(a) dated May 11, 2000 regarding the patent application identified above, please review and grant the following petition.

The Examiner objected that the earlier petition required a one-month extension. However, the petition was sent by fax from the Phoenix International Airport at 2:44 pm local time on February 22, 2000. A copy of the receipt from the fax service is attached, indicating the correct date and time of transmission. Accordingly, the internal date and time settings of the fax

machine, which the undersigned did not see or control, were incorrect. Applicants therefore submit that a one-month extension was not required.

The Examiner also objected that the earlier petition failed to mention that a copy of the present application was sent to the inventors with the Declaration and Power of Attorney on August 30, 1999. Such a copy of the present application was actually sent to Mr. Nap on August 30, 1999. A copy of the cover letter that was sent, referring to the "enclosed application" is enclosed.

The Examiner also objected that the petition fee was not paid. Applicants agree and confirm the charge to our Deposit Account 10-750 for the petition fee.

Accordingly, Applicants respectfully request status under 37 C.F.R. § 1.47(a), and the granting of Applicant's petition.

Respectfully submitted,
Attorney for Applicants

By: 

Michael W. Montgomery
Reg. No. 35,958

Date: June 9, 2000

Johnson & Johnson
Law Department
One Johnson & Johnson Plaza
New Brunswick, New Jersey 08933
(305) 824-2922


Memorandum

Cordis

a Johnson & Johnson company

Date: August 30, 1999

To: Michel de Tiege

From: Michael W. Montgomery 

Subject: Patent Cooperation Treaty Application
"Glass Core Guidewire Compatible With
Magnetic Resonance Having Reinforcing Fibers"
Your Ref: IR-274
Our Ref.: CRD0461-PCT

Inventors: Hurtak, Mous, Nap

Please have the inventors review the enclosed application, then sign and date the Declaration and Power of Attorney which will be submitted during the National processing phase of this application and return all documents to me at your earliest convenience.

Also, enclosed is the Assignment for filing with the PCT which requires the inventor's signature and date. Please have a Notary notarize this document with his statement and affix with the stamp of Apostille.

Enclosures

Zevenhuizen, 11 September 1999

Cordis Europa N.V.
att: M. De Tiège
Oosteinde 8
9300 AA Roden

Dear Michel,

Enclosed I return the documents you sent me to sign.

Considering the differences in procedures Cordis is using with respect to patent applications and the processing of the same, I decided not to satisfy your request to sign the document.

In my opinion it is not correct to distinguish between employees and ex-employees.

Sincerely yours,

Cees Nap
Oudestreek 10
9354AG Zevenhuizen

C.P. Nap
Oudestreek 10
9354AG Zevenhuizen.

Zevenhuizen 1999-09-11

t.a.v. : De Heer M. de Tiège

Cordis Europa N.V.
Oosteinde 8
9300 AA Roden

Beste Michel,

Hierbij de mij ter ondertekening gestuurde papieren retour.

Gezien de verschillen in afhandeling die Cordis m.b.t. patentaanvragen en de afwikkeling daarvan hanteert, heb ik besloten niet aan jouw verzoek tot ondertekening te voldoen.

Het is m.i. onjuist om in deze onderscheid te maken tussen werknemers en ex-werknemers.

Met vriendelijke groet,


Cees Nap

ACTIONFAX

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PATENT APPLICATION
Docket Number: CRD0461

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Hurtak, Mous, Nap
Serial Number:	09/424,440
Filed:	November 23, 1999
Title:	Glass Core Guidewire Compatible With Magnetic Resonance Having Reinforcing Fibers
Group Art Unit:	5611
Examiner:	L. Hunter

PETITION UNDER
37 CFR §1.47

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on: 2-22-00

By: 

, Attorney for Applicants

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. §371 dated January 19, 2000, regarding the patent application identified above, please review and grant the following petition:

37 C.F.R. § 1.47: Filing when an Inventor refuses to sign or cannot be reached.

According to 37 C.F.R. §1.47:

"If a joint inventor refuses to join in an application for patent... the application may be made by the other inventor on behalf of himself or herself and the non-signing inventor."

The parent of the present application was originally filed on June 6, 1997 in the Netherlands as application number 1006254, on behalf of the following joint inventors:

1. Wenzel Franz Hurtak;
2. Frans Mous; and
3. Cornelis Philipus Nap

The present PCT application was filed on May 28, 1998, on behalf of the same inventors.

Messrs. Mous and Hurtak have properly signed the Declaration and Power of Attorney for the present application. However, Mr. Nap has refused to sign the same document.

Background:

Mr. Nap began his employment with the assignee on July 18, 1977 and ended his employment with the assignee on November 1, 1998. His employment agreement in Dutch is attached, as well as an English translation of the relevant part, Paragraph 10. This provision states:

"You will cede to the Company all rights to patent applications in respect of all inventions made by you during the term of this Contract in which the Company may have any interest and in respect of which the right to apply for a patent does not rest with the Company pursuant to article 10 of the Patents Act."

During that time, Mr. Nap signed a PCT General Power of Attorney on April 2, 1998, a copy of which is enclosed.

The present Declaration and Power of Attorney was sent to the inventors on August 30, 1999. Messrs. Hurtak and Mous signed and dated these documents on September 2 and 20, 1999, respectively.

However, Mr. Nap returned the documents unsigned, and enclosed the attached letter in Dutch dated September 11, 1999, a translation of which is also attached. This letter states in relevant part:

"I decided not to satisfy your request to sign the document."

The present national phase application was then filed on November 23, 1999.

On February 7, 2000, the undersigned sent the attached letter confirming Mr. Nap's refusal to sign the Declaration, a copy of which is attached. No response has been received.

As required under 37 C.F.R. §1.47, the last known address of Mr. Nap is: Oude Streek 10, 9345 AG, Zevenhuizen, The Netherlands.

Accordingly, Applicant respectfully requests status under 37 C.F.R. § 1.47, and the retention of the filing date in the present application.

Respectfully submitted,
Attorney for Applicants

Date: February 22, 2000

Johnson & Johnson
Law Department
One Johnson & Johnson Plaza
New Brunswick, New Jersey 08933
(305) 824-2922

By: 

Michael W. Montgomery
Reg. No. 35,958